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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/092,109

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7590

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EXAMINER

NGUYEN, BINH QUOC

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/092,109		TWOMEY ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Binh Q. Nguyen		2664	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03/06/2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by *Murakami* the US Patent No: (US 6,754,218).

**Regarding claim 1;** *Murakami* teaches a method comprising:

obtaining a pre-formatted frame (*see Fig. 2A, col. 6, lines 21-56, and col. 11, lines 26-55*); and  
filling the frame with voice data formatted as asynchronous transfer mode adaptation layer  
packets (*see col. 11, lines 26-55*).

**Regarding claim 2.** *Murakami* teaches the method of claim 1 including obtaining a  
preformatted frame from a database of frames (*see Fig. 16, col. 11, lines 26-55, and col. 23, lines 1-11, item "301 Shared Buffer Memory" means a database of frames*).

**Regarding claim 3.** *Murakami* teaches the method of claim 2 including receiving voice data  
from a time division multiplex stream (*see col. 1, lines 15-56, and col. 11, lines 26-55, Fig. 3,*

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*item "104 Mobile Radio Network Inclusive of STM Network (PDC/PHS)" and "a PDC (personal digital cellular) or PHS (personal handyphone system) radio network described in "Easy Digital Exchange" published by Denki Tsushin Kyokai in which signals carried on time slots are communicated like the time-division network for communicating signals carried on time-shared time slots within a synchronized frame" mean a time division multiplex stream) and processing said data in a time division multiplex processor (see Fig. 9, col. 12, lines 38-67, item "302 combining/copy processor" means a time division multiplex processor).*

**Regarding claim 4. *Murakami*** teaches the method of claim 3 including determining whether a refresh value associated with said processor matches a refresh value associated with said frame (*see col. 6, line 57-to-col. 7, line 15*).

**Regarding claim 5. *Murakami*** teaches the method of claim 4 including setting the frame value equal to the processor refresh value if the values do not match (*see col. 6, line 57-to-col. 7, line 15, and col. 9, lines 9-64*).

**Regarding claim 6. *Murakami*** teaches the method of claim 3 including filling the frame with a plurality of units of voice data, from said time division multiplex stream (*see col. 7, lines 1-45*).

**Regarding claim 7. *Murakami*** teaches the method of claim 1 including filling the frame with voice data from an asynchronous transfer mode adaptation layer packet (*see col. 11, lines 26-55*).

**Regarding claim 8. *Murakami*** teaches the method of claim 7 including storing the packet in a

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unit and providing a plurality of units in a frame (*see col. 11, lines 1-55*).

**Regarding claim 9.** *Murakami* teaches the method of claim 8 including determining whether the frame is full (*see col. 19, lines 12-25, and col. 22, lines 33-62*).

**Regarding claim 10.** *Murakami* teaches the method of claim 9 including determining whether a timer has expired during the filling of the frame (*see col. 17, line 44-to-col. 18, line 51*).

**Regarding claim 11.** *Murakami* teaches the method of claim 9 including determining whether data has been received with a connection identifier that matches the connection identifier of data already stored (*see col. 18, line 61-to-col. 19, line 25*).

**Regarding claim 12.** *Murakami* teaches the method of claim 11 including using the connection identifier in each unit to identify a time division multiplex channel of a voice call (*see col. 12, lines 38-67*).

**Regarding claim 13.** *Murakami* teaches the method of claim 12 including setting a pointer for a time division multiplex channel to the address of a payload in a unit (*see col. 19, lines 13-25*).

**Regarding claim 14.** *Murakami* teaches the method of claim 7 including using an asynchronous transfer mode adaptation layer packet processor to fill the frame (*see col. 11, lines 26-55*).

**Regarding claim 15.** *Murakami* teaches an apparatus comprising:

a processor (*see Fig. 9, col. 12, lines 38-67, item "302 combining/copy processor" means a processor*); and

a frame database, to store pre-formatted frames, said processor accessing frames from said frame database to fill the frames with voice data (*see Fig. 16, col. 11, lines 26-55, and col. 23, lines 1-11, item "301 Shared Buffer Memory" means a frames database*).

**Regarding claim 16.** *Murakami* teaches the apparatus of claim 15 wherein said processor is a time division multiplex processor (*see Fig. 9, col. 12, lines 38-67, item "302 combining/copy processor" means a time division multiplex processor*) and said frame database stores pre-formatted frames so that the processor can access the frames from the frame database to fill the frames with voice data from time division multiplex channels (*see Fig. 16, col. 11, lines 26-55, and col. 23, lines 1-11, item "301 Shared Buffer Memory" means a frames database*).

**Regarding claim 17.** *Murakami* teaches the apparatus of claim 16 wherein said processor keeps a refresh count each time a call is made or disconnected (*see col. 14, line 55-to-col. 15, line 51*).

**Regarding claim 18.** *Murakami* teaches the apparatus of claim 16 wherein said processor reads data from each active channel (*see col. 12, line 38-to-col. 13, line 30*) and writes data into said frames (*see col. 13, line 31-to-col. 14, line 54*).

**Regarding claim 19.** *Murakami* teaches the apparatus of claim 18 wherein said data in said frame is divided into units which correspond to asynchronous transfer mode packets (*see col. 19, lines 12-37*).

**Regarding claim 20.** *Murakami* teaches the apparatus of claim 19 wherein the processor sends the frame to a queue after it has been filled (*see col. 11, line 64-to-col. 12, line 37*).

**Regarding claim 21.** *Murakami* teaches the apparatus of claim 15 wherein said processor is an asynchronous transfer mode adaptation layer processor that fills the frame database with voice data from an asynchronous transfer mode cell stream (*see Fig. 16, col. 11, lines 26-55, and col. 23, lines 1-11*).

**Regarding claim 22.** *Murakami* teaches the apparatus of claim 15 wherein said processor is an asynchronous transfer mode adaptation layer processor (*see Fig. 9, col. 17, lines 44-to-col. 18, line 9, item "combining/copy processor 308" means an asynchronous transfer mode adaptation layer processor*).

**Regarding claim 23.** *Murakami* teaches the apparatus of claim 22 wherein said apparatus includes a time division multiplex processor (*see Fig. 9, col. 12, lines 38-67, item "302 combining/copy processor" means a time division multiplex processor*) coupled to said asynchronous transfer mode adaptation layer processor (*see Fig. 9, col. 17, lines 44-to-col. 18, line 9, item "combining/copy processor 308" means an asynchronous transfer mode adaptation*

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*layer processor*).

**Regarding claim 24.** *Murakami* teaches an article comprising a medium storing instructions that enable a processor-based device to:

obtain a pre-formatted frame (*see Fig. 2A, col. 6, lines 21-56, and col. 11, lines 26-55*); and fill the frame with voice data formatted as asynchronous transmission mode adaptation layer packets (*see col. 11, lines 26-55*).

**Regarding claim 25.** *Murakami* teaches the article of claim 24 further storing instructions that enable the device to receive data from a time division multiplexed stream, to read data from each active channel (*see col. 12, line 38-to-col. 13, line 30*) and to writes data into said frames (*see col. 13, line 31-to-col. 14, line 54*).

**Regarding claim 26.** *Murakami* teaches the article of claim 25 further storing instructions that enable the processor-based device to determine whether a refresh value associated with the processor matches the refresh value associated with the frame (*see col. 6, line 57-to-col. 7, line 15*).

**Regarding claim 27.** *Murakami* teaches the article of claim 26 further storing instructions that enable the processor-based device to set the frame refresh value equal to the processor refresh value if the values do not match (*see col. 6, line 57-to-col. 7, line 15, and col. 9, lines 9-64*).



**Regarding claim 28.** *Murakami* teaches the article of claim 25 further storing instructions that enable the processor-based device to fill the frame with a plurality of units of voice data from a time division multiplex stream (*see col. 7, lines 1-45*).

**Regarding claim 29.** *Murakami* teaches the article of claim 24 further storing instructions that enable the device to receive data from an asynchronous transfer mode cell stream, to read data from said cells (*see col. 12, line 38-to-col. 13, line 30*), and to place said data in a pre-formatted frame (*see col. 11, lines 26-55*).

**Regarding claim 30.** *Murakami* teaches the article of claim 29 wherein said frame is provided to a time division multiplex processor that injects the voice data into a time division multiplex stream (*see col. 11, line 26-to-col. 12, line 37*).


### ***Contact Information***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh Q. Nguyen whose telephone number is 571-272-8563. The examiner can normally be reached on M-F: 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

By:   
Binh Q. Nguyen  
Patent Examiner  
2/20/2005

  
Ajit Patel  
Primary Examiner